



U.S. Department of Justice

*United States Attorney
Northern District of New York*

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April 26, 2006

Hon. Frederick J. Scullin, Jr.
Senior U.S. District Court Judge
PO Box 7225
100 S. Clinton Street
Syracuse, NY 13261

Re: U.S. v. Gregory Thomas, et al
05-CR-217 (FJS)

Dear Senior Judge Scullin:

The Criminal Pretrial Order requires the government to provide a list identifying its potential trial witnesses at least seven days prior to the final pretrial conference. In this case, the witness list must be disclosed in pretrial submissions due April 26. Please accept this letter as a request to allow the government to provide its witness list for the Court's use at the time of jury selection.

The violent nature of the crimes alleged in the indictment include drug trafficking, several counts involving the use of firearms in furtherance of criminal activity, counts involving sawed-off shotguns, stolen plastic explosives, murder for hire and extortion. Understandably, some witnesses have expressed concerns for their safety as the trial approaches. In light of the fact that no defendant has made a request for pretrial disclosure of the government's witnesses, granting the government's request will not prejudice the defendants. In any event it has long been the rule in this circuit that a defendant is entitled to a pretrial list of potential government witnesses only where they make a showing of particularized need and materiality. *United States v. Cannone*, 528 F.2d 296, 301 (2d Cir. 1975). Here, the government will provide its list of potential trial witnesses prior to voir dire. There will be no delay in the trial should the Court grant the government's request.

Thank you for your attention and consideration in this regard.

Very truly yours,

Glenn T. Suddaby
United States Attorney

/s/

By: Edward R. Broton
Assistant U.S. Attorney

ERB/pdb

cc: Michael Jacobs, Esq.
Richard Spinney, Esq.
Robert Tisdell, Esq.
George Hildebrandt, Esq.

The government must supply its witness
list on or ~~before~~ May 23, 2006

SO ORDERED

*May 3 at the final
pretrial conference*



Hon. Frederick J. Scullin, Jr.
Senior U.S. District Court Judge

4/27/06